



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Rapides Regional Medical Center

File: B-242601

Date: February 12, 1991

James T. Montgomery for the protester.
Catherine M. Evans, Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Protest is dismissed as untimely where, although protest would be timely based on date on first page of protest submission, date on second and subsequent pages indicate that protest was originally written nearly 1 month before it was filed at General Accounting Office; in absence of other evidence establishing timeliness, these dates show protest was filed more than 10 days after protester learned of basis for protest.

DECISION

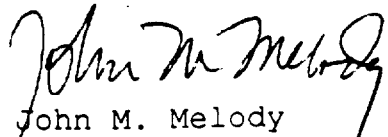
Rapides Regional Medical Center (RRMC) protests the actions of the Department of Veterans Affairs (VA) concerning a joint venture agreement between the VA Medical Center in Pineville, Louisiana and a local hospital to purchase a linear accelerator for treating cancer patients. RRMC essentially alleges that the agreement constitutes an improper sole source award.

Our Bid Protest Regulations require that protests be filed not later than 10 working days after the basis for protest is known or should have been known. 4 C.F.R. § 21.2(a)(2) (1990). RRMC's protest, filed in our Office on February 6, does not state when RRMC learned of the joint venture arrangement. However, although the cover page of the four-page submission is dated January 29, 1991, the second and subsequent pages of the protest begin with a heading listing the addressee and a date of January 7. It appears from these dates that the protest originally was written on January 7, and that the date on the first page later was changed to January 29, prior to the mailing of the letter. In the absence of evidence to the contrary, we conclude that the

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protester knew of its basis for protest on January 7; since the protest was not filed until nearly 1 month later, it is untimely under our Regulations. Id; see Tribe Fleet, Inc.-- Recon., B-239080.2, Apr. 16, 1990, 90-1 CPD ¶ 394.

The protest is dismissed.

A handwritten signature in cursive script, reading "John M. Melody".

John M. Melody
Assistant General Counsel